

Sharon P. Margello
Dominick C. Capozzola
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 400
Morristown, New Jersey 07960
(973) 656-1600
sharon.margello@ogletreedeakins.com
dominick.capozzola@ogletreedeakins.com
Attorneys for Defendant Panda Restaurant
Group, Inc. and Panda Express, Inc.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KHAN KUDO, Individually and on :
Behalf of All Other Persons Similarly :
Situating, :
Plaintiffs, :

v. :

PANDA RESTAURANT GROUP, INC., :
and PANDA EXPRESS, INC., :
Defendants. :

Hon. Cathy Seibel
Civil Action No.: 09-cv-0712-CS

**NOTICE OF DEFENDANTS' MOTION TO
DISMISS THE CLAIMS OF OPT-IN
PLAINTIFF CHAOLUNG a/k/a JULIE
CHANG**

TO: Mary E. Brady Marzolla, Esq.
Feerick, Lynch, MacCartney PLLC
96 South Broadway
South Nyack, New York 10960

COUNSEL:

PLEASE TAKE NOTICE that on a date to be determined by the Court
Defendants Panda Restaurant Group, Inc. and Panda Express, Inc. will move before the
Honorable Cathy Seibel, U.S.D.J. at the Hon. Charles L. Brieant Jr. Federal Building and
United States Courthouse, 300 Quarropas Street, Courtroom 218, White Plains, New

York for an Order granting Defendant's Motion to Dismiss the Claims of Opt-In Plaintiff Chaoluung a/k/a Julie Chang pursuant to Fed. R. Civ. P. 37(d) and 41(b).

PLEASE TAKE FURTHER NOTICE that in support of said motion, Defendants shall rely upon the accompanying Brief and the Affidavit of Dominick Capozzola, Esq..

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Attorneys for Defendants

Dated: August 27, 2010

By: /s/ _____
Dominick C. Capozzola